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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Sale of children, child prostitution and child pornography

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with Assembly resolution 51/77 of 12 December 1996, the interim report prepared by Ms. Ofelia Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography.

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ANNEX

Report on the sale of children, child prostitution and child pornography prepared by the Special Rapporteur of the Commission on Human Rights in accordance with General Assembly resolution 51/77

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I. INTRODUCTION

1. This report is submitted in accordance with General Assembly resolution 51/77 of 12 December 1996, in which the Assembly requested the Secretary-General to provide the Special Rapporteur on the sale of children, child prostitution and child pornography with all necessary assistance to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-third session.

2. The Commission on Human Rights, at its fifty-third session, in its resolution 1997/78 of 18 April 1997, welcomed the report of the Special Rapporteur (E/CN.4/1997/95 and Add.1 to 2), requested the Secretary-General to provide the Special Rapporteur with all necessary assistance and urged all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible. The Commission also invited the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission.

II. WORKING METHODS AND ACTIVITIES

A. Working methods

3. As indicated in her earlier reports, through her analysis of the problem of commercial sexual exploitation of children which has formed the focus of her mandate, the Special Rapporteur has identified three catalysts which play a fundamental role both in the perpetuation and in the prevention of commercial sexual exploitation of children, namely, the criminal justice system, education and the media. The role of the justice system in this regard has already been considered in the Special Rapporteur's previous reports to the General Assembly (A/51/456) and the Commission on Human Rights (E/CN.4/1997/95).

4. The focus of the present report is, therefore, the role of the media and education in preventing and, regrettably, in contributing to the commercial sexual exploitation of children. Awareness of the importance of the media in this respect has increased greatly since the World Congress against Commercial Sexual Exploitation of Children was held at Stockholm from 27 to 31 August 1996, and some national and international initiatives have been developed in the intervening period.

5. In order to obtain a more comparative overview of developments relating to the media and education as catalysts in the field of commercial sexual exploitation of children, the Special Rapporteur, in June 1997, sent a circular to all Governments, relevant United Nations bodies and agencies and intergovernmental and non-governmental organizations, soliciting information to be used in her reports to the General Assembly and the Commission on Human Rights on the following:

(a) Television programmes or publicity preventing or inciting sexual exploitation of children; national directives concerning specific target audiences, broadcasting hours and parental guidance;

(b) Advertising or publicity campaigns against sex tourism and commercial sexual exploitation of children, such as airport publicity, leaflets, posters and promotional articles;

(c) Coverage given by the media (newspapers, television and radio) to court cases involving commercial sexual exploitation of children, for example, child pornography and the Internet; public debates on sanctions against sex offenders;

(d) School curricula: development of sex education programmes, including awareness-raising about the dangers of sexual exploitation and information on available support services; adult education programmes;

(e) Educational or training programmes targeted at professionals working in strategic areas, including immigration personnel, law enforcement officials, medical professionals and social workers;

(f) Rehabilitation and educational programmes, facilities or support services for both child victims of commercial sexual exploitation and sex offenders.

6. By September 1997, replies had been received from the Governments of Brazil, Germany and Singapore.

7. The Special Rapporteur also received information from the following United Nations organizations, programmes and bodies: Economic Commission for Africa, Economic and Social Commission for Western Asia, United Nations Children's Fund (UNICEF), Joint United Nations Programme on HIV/AIDS (UNAIDS), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Research Institute for Social Development (UNRISD), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO). The following non-governmental organizations also provided the Special Rapporteur with replies to her questionnaire: All-China Women's Federation; All-Pakistan Women's Association; World Association of Children's Friends (Amade) (Monaco); CEMINA (Brazil); CHOW (Belgium); Latin American Committee for the Defence of Women's Rights (CLADEM) (Argentina); CLADEM (Peru); Centro de Estudios y Promoción del Desarrollo (DESCO) (Peru); End Child Prostitution in Asian Tourism (ECPAT) (United Kingdom); European Institute for Crime Prevention and Control (HEUNI) (Finland); International Catholic Child Bureau (ICCB) (Switzerland); NCWC (Canada); Women's International Zionist Organization (WIZO) (Israel).

8. The Special Rapporteur would like to express her appreciation to those Governments, United Nations bodies and agencies and non-governmental organizations that have already provided some very useful and comprehensive information to her. At the same time, the Special Rapporteur urges all those States and intergovernmental organizations that have not replied to her questionnaire to provide her with relevant information, in particular regarding

national initiatives in the field of the media and education to combat commercial sexual exploitation of children, which might be used in her forthcoming report to the Commission on Human Rights. The Special Rapporteur would also like to emphasize that most of the information and materials sent to her up to the time of writing the present report will be discussed in detail in her report to the Commission. Some of the input has been taken into account in the present report, but the Special Rapporteur hopes in particular to receive more substantive information on education so as to be able to present a balanced report.

9. With a view to finding a durable solution to the problem of the sale and commercial sexual exploitation of children, the Special Rapporteur has established procedures to seek from Governments, in a humanitarian spirit, clarifications and information on specific cases of alleged violations of the rights of children within the framework of her mandate. The Special Rapporteur would like to emphasize that the primary objective of such communications is to enter into a constructive dialogue with Governments in order to investigate specific cases in any country and to identify appropriate measures to remedy the situation. The Special Rapporteur, therefore, calls on all Governments to cooperate fully with her in her endeavours.

10. Finally, the Special Rapporteur would like to emphasize that the sources of information and data used in this report to illustrate cases of commercial sexual exploitation of children worldwide are to a large extent secondary and cannot always be validated. In view of the administrative and financial constraints of the mandate and position of the Special Rapporteur, it is virtually impossible to carry out first-hand scientific research and data gathering. The Special Rapporteur therefore relies on the information submitted to her by Governments, United Nations bodies and agencies and non-governmental organizations. The cases used to illustrate the situation of commercial sexual exploitation in different countries are not intended to be exhaustive but rather indicative, especially bearing in mind that hardly any country in the world can claim to be free of the phenomenon.

B. Activities

11. Since the fifty-first session of the General Assembly, the Special Rapporteur has carried out two field missions. In December 1996, she visited the United States of America (Washington, New York, Phoenix, Tucson and San Francisco) to study the issue of commercial sexual exploitation of children, with a particular focus on child pornography and the Internet (for the report, see E/CN.4/1997/95/Add.2). From 25 August to 2 September 1997, the Special Rapporteur carried out a mission to Kenya (Nairobi, Mombasa and Malindi). The report on that mission will be submitted to the Commission on Human Rights at its fifty-fourth session.

12. In October 1997, the Special Rapporteur is invited to address the seventh meeting of First Ladies of the Americas on the topic of commercial sexual exploitation of children. In addition, she will carry out a field visit to Mexico in November 1997, at the invitation of the Government. The mission report will be submitted to the Commission on Human Rights.

13. During the past year, the Special Rapporteur has developed close working relations with the International Programme on the Elimination of Child Labour of ILO, as well as with UNICEF and UNHCR. Such cooperation provides the Special Rapporteur with essential information and assistance, in particular during her fact-finding missions to the field, in the fulfilment of her mandate.

III. INTERNATIONAL DEVELOPMENTS RELATING TO THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

14. Children are perhaps the most vulnerable and defenceless victims of human rights violations all over the world. Commercial sexual exploitation of children, in association with crime and drug abuse, persists in both developed and developing countries.

15. This section illustrates certain developments in the field of commercial sexual exploitation of children in all regions of the world which have come to the attention of the Special Rapporteur. The States mentioned are referred to as examples and the Special Rapporteur would like to emphasize that the list is not intended to be interpreted as exhaustive by any means.

A. Africa

16. In Africa, the Special Rapporteur has noted that some Governments have shown a genuine interest in improving living conditions for children. Good examples are programmes for better primary health care, vaccination campaigns, and efforts to demobilize child soldiers in armed forces. Educational campaigns have also been launched to increase the number of children finishing their primary education.

17. A particularly alarming practice continues nevertheless to affect many countries, namely, the abduction of children from their homes, their enslavement and sale for forced labour or military training to join combat forces. Sometimes children are even forced or indoctrinated to fight against their own communities.

18. The Special Rapporteur notes that in Angola both the Government and UNITA forces have begun to demobilize an estimated 8,000 child soldiers in a campaign initiated by the Ministry of Social Integration. In the Sudan and in northern Uganda, however, there are still reports of ongoing abductions of children for the purposes of child labour or recruitment into the armed forces.

19. In the Central African Republic, the Special Rapporteur has received disconcerting information about the practice of families marrying their daughters as young as 11 or 12, for financial gain, to older husbands. The prevalence of such traditional practices, including the trokosi practice in Ghana, already mentioned in previous reports, is a matter of concern.

20. Another matter of special concern to the Special Rapporteur is the increasing problem of child prostitution in major cities all over the African continent. In South Africa, for example, particularly in big cities like Cape

Town, Durban and Johannesburg, child prostitution appears to be a growing problem, linked to the increasing number of street children, who have left their homes for economic and social reasons or as a result of the breaking down of families and traditional values.

21. On a positive note, the Special Rapporteur has been informed that the Government of Namibia appears to be seriously committed to improving the situation of children, having allocated almost one third of its budget to education. Child abuse is also recognized as a serious problem and authorities have prosecuted several cases involving crimes against children. In September 1996, a child rapist was reported to have been given a 20-year sentence for sexually abusing a 10-year-old girl. Training programmes in handling domestic violence were also provided for police officials.

B. Asia and the Pacific

22. Extensive trafficking in both women and children, especially from India, Pakistan and South-East Asia to the Middle East and Western and Eastern Europe, continues to pose a major problem for the Asian region. This phenomenon is closely linked to child prostitution, the increased numbers of street children, extreme economic needs and tourism. The increasing interest of the press in these matters is, however, to be welcomed, as it leads to more pressure on Governments and civil society to act.

23. Reports from Bangladesh indicate that child abandonment, kidnapping, trafficking for labour bondage and children in prostitution continue to be widespread. UNICEF estimates that there are about 10,000 child prostitutes in Bangladesh. Information received suggests that officials often ignore the existence of phenomena such as child prostitution, or even profit from them.

24. In Sri Lanka there also appears to exist a significant problem of child prostitution. The Government estimates that there are over 2,000 child prostitutes in the country and has indicated that it is committed to combating the problem. In Taiwan Province of China child prostitution reportedly involves anywhere between 40,000 and 60,000 children. Children are being forcibly held in brothels by means of violence, drug addiction and other forms of coercion. Although new legislation has been adopted to prosecute persons using child prostitutes, with a maximum imprisonment of two years, the effects of these new measures cannot yet be evaluated.

25. In Thailand, the National Commission on Women's Affairs has estimated that there are 150,000 to 200,000 prostitutes in the country, of which not more than 20 per cent are children. The Special Rapporteur has noted with satisfaction the commitment of the Thai Government to actively combating the problem, in cooperation with national and international non-governmental organizations.

26. In Indonesia the involvement of the press in addressing the problem of child prostitution is to be appreciated, since this has led to a considerable increase in public awareness and acknowledgment of the problem. In India the media have also started to play an active role in informing the general public of facts concerning child prostitution. Articles on the subject, which are now

appearing regularly in the popular press in India, are doing much to break the silence which has long shrouded such an understandably sensitive subject.

C. Eastern Europe

27. The main concern of the Special Rapporteur is that in Eastern Europe many Governments have not yet adopted special legislation to prohibit child prostitution and child pornography specifically. Such inaction could lead to great impunity for perpetrators.

28. The Special Rapporteur notes with satisfaction, however, that authorities in Slovakia are conducting investigations into alleged paedophile rings, in cooperation with Austrian and Belgian counterparts. In Romania, sexual exploitation of children has attracted domestic media attention which is noted with appreciation by the Special Rapporteur.

29. Attention is drawn, however, to Georgia, where growing numbers of street children and children in prostitution are reported. According to local sources there are approximately 1,000 street children in the capital, Tbilisi. These children are in danger of being forced or recruited into child prostitution.

D. Latin America and the Caribbean

30. Sex tourism and child prostitution also remain a serious problem in the Latin American and Caribbean region. As elsewhere, there exists a close link to extreme poverty, lack of education, drug abuse and the increasing numbers of street children. In conflict zones, guerilla troops continue to recruit children into armed forces and there are reports of teenage female recruits being sexually abused. In some rural areas, the practice of sending young children to work as unpaid domestic labour for more affluent city dwellers continues, putting these children in vulnerable positions. The sale of children for adoption also continues to be a serious problem, as it is reported that foreign adoptive parents are willing to pay from US$ 20,000 to $40,000 in adoption fees and costs to adopt a healthy baby.

31. In Bolivia, the practice of criadito service still exists in some parts of the country. Criaditos are indigenous children between 10 and 12 years old whom their parents send to middle- and upper-class families to perform household work in exchange for education, clothing, room and board. The treatment of these children is often not supervised in any way, and they sometimes become virtual slaves in their new host families. The same practice is reported to exist in Haiti, where it is called restavek (lives with).

32. It is also reported that the use of street children in prostitution remains a serious problem in Guatemala. The estimation of the number of street children is between 1,500 and 5,000, the majority being concentrated in Guatemala City.

33. On a positive note, the Government of Brazil has initiated a campaign against sex tourism and child prostitution organized by the national tourist agency. The campaign includes restrictions on the use of erotic pictures of

young women in advertising holidays to Brazil and an information campaign to deter tourists from engaging in the sexual exploitation of children. It also includes a 24-hour hotline number for reporting cases of sexual abuse, as well as the creation of a special police office to investigate sexual crimes against children.

E. Western European and other States

34. One of the main problems in the Western European and other States region appears to be the spread of child pornography material, especially through the new media, as well as rings of paedophiles cooperating in the abuse of children. The abusers originating from the region often travel to countries where the supply of children is greater and the legislative controls are either weaker or not effectively implemented. The Special Rapporteur therefore welcomes the continuing process of adopting extraterritorial legislation by countries of origin of tourists who engage in child sex abuse. The Special Rapporteur also encourages further cooperation between countries considered to be main sources of child victims and those considered to be main sources of child exploiters, in an effort to combat the problem jointly. In Australia, an airport education campaign was carried out by customs officers to deter travel abroad for child sex tourism.

35. In Austria, allegations of an Austrian-Slovak child pornography ring have led to strong public and political pressure to further tighten legislation of child pornography. One specific case which greatly perturbs the Special Rapporteur is the suicide of a 12-year-old boy in Upper Austria, who killed himself after photographs showing him being sexually abused by a paedophile had been posted on the Internet.

36. In Belgium, the public debate that has followed the Dutroux case has caused serious criticism of government authorities, the judiciary and the police force on the investigation of this case, leading to accusations of attempts of corruption and cover-up within the Government. The Special Rapporteur encourages the Government of Belgium in its efforts to take active measures to combat the phenomenon and to restore public confidence in the authorities through adopting effective legislation and administrative measures.

37. In Ireland, child sexual abuse has received increasing media attention, especially in connection with the alleged sexual abuse of children by orphanage staff and members of the Roman Catholic clergy. In at least three cases members of the clergy have pleaded guilty and several other cases are pending.

38. In the Netherlands, for the first time, a citizen was tried for sexual abuse of minors abroad on the basis of extraterritorial jurisdiction. The perpetrator had been caught sexually abusing minors in the Philippines and was given a sentence of five years' imprisonment after returning to the Netherlands.

39. According to Home Office statistics in the United Kingdom of Great Britain and Northern Ireland, it is estimated that 110,000 men in the country have been convicted of offences against children. It is further estimated that 1 in 60 of those convicted were convicted of a sex crime by the time they were 40 years old

and that 1 in 90 were convicted for a serious sex offence, such as rape, incest or gross indecency with a child.

IV. SPECIAL FOCUS ON THE MEDIA AND EDUCATION

40. This section attempts to illustrate the decisive role played by all types of media, as well as education, in the prevention of commercial sexual exploitation of children worldwide. It also highlights the potential danger of rendering children even more vulnerable to sexual exploitation when the media and education are used in an uninformed and careless manner. Special attention is devoted to the role of the information superhighway, or Internet, the implications of which for the exposure of children to potentially harmful materials, in addition to the wealth of information and communication possibilities it offers, have not yet been fully understood.

41. In the present report, the media and education are discussed in combination, in order to demonstrate the intrinsic interlinkage between the two catalysts. In particular, the Special Rapporteur would emphasize the importance of the role played by the media as a tool of general education both for children and adults, especially in the protection of the rights of the child. In her report to the Commission on Human Rights, however, the Special Rapporteur hopes to explore both the media and education, in particular national initiatives undertaken in these fields to prevent commercial sexual exploitation of children, in greater depth, in separate chapters, on the basis of information and materials received in response to her questionnaire (see sect. II). The Special Rapporteur appeals once again to all Governments and intergovernmental and non-governmental organizations to provide her with more documentation and materials in this regard, so that she may present a comprehensive and balanced discussion.

42. The Special Rapporteur would like to lay out, in the broadest terms, the international legal framework that regulates the protection of children from commercial sexual exploitation but yet guarantees the rights of children to education and information. It is important to note that the right of children to be protected from exploitation may at times appear in juxtaposition with the right of the media and communications freely to express themselves and disseminate information.

43. The right to freedom of expression is given extensive protection in most democracies, although it is subject to considerable debate and interpretation as to its scope, meaning and purpose. The right of the media to publish and broadcast information, however, and the right of audiences to receive information have to be carefully balanced against the right of the child to be protected from abuse, and the child's right to privacy. Recently, cases involving the rights of suspected and convicted paedophiles have moreover created much controversy and discussion in certain countries.

A. International legal framework

44. Outlined below are those human rights intended to protect the child from falling victim to commercial sexual exploitation, including the right of the child to receive information and education. The right of all persons, including children, to be informed and educated, as well as the right of all persons to impart and disseminate information are also of relevance when considering the impact of the media and education on commercial sexual exploitation of children.

45. Under the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), children are, broadly speaking, endowed with the rights to respect and identity (articles 2, 7, 8, 23, 26 and 40), as well as with rights to economic, social and cultural development (articles 6 and 24). States parties to the Convention have also undertaken to protect such rights of the child by creating and strengthening a protective environment (articles 3, 9, 11, 16, 19-22, 24, 25, 30 and 32-38) and by promoting a caring environment (articles 18, 23, 24, 26, 31 and 39). All these groups of rights contained in the Convention are directly or indirectly relevant to the protection of the child from sexual exploitation.

46. More specifically, under articles 19 and 34, States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse, taking all appropriate measures to prevent the inducement of children to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials.

47. In addition to providing for protection from the physical act of sexual exploitation, the Convention prohibits arbitrary or unlawful interference with a child's privacy or unlawful attacks on his or her honour and reputation, and gives the child the right to the protection of the law against such interference or attacks (article 16).

48. While all States parties to the Convention have agreed to protect the child from becoming a victim of sexual exploitation, several provisions of the Convention recognize that education and the media play an important role in preventing such violations by empowering children through information and education.

49. One of the key provisions in this context is article 17, under which States parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. Article 13, moreover, provides for the child's right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, in writing or in print, in the form of art, or through any other media of the child's choice. This right may, however, be subject to certain restrictions, as provided by law and as are necessary for respect of the rights or reputations of others or for the protection of, inter alia, public morals. Under articles 28 and 29, children have the right to education and educational and vocational information, directed to the development of the

child's personality, talents and mental and physical abilities to their fullest potential.

50. Throughout the Convention, the best interest of the child is the underlying principle - a principle which necessitates a careful balance between the rights and freedoms of the child and the responsibility of parents, guardians and society as a whole to protect the child and to ensure his or her upbringing and development and physical, mental and moral integrity.

51. All persons disseminating information through the media and education, while endowed with rights and freedoms freely to express themselves and to seek, receive and impart information in accordance with article 19 of the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), are also bound to respect the right of privacy of children victims of commercial sexual exploitation under article 17 of that Covenant. The aforementioned article 19 provides that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may be subject to such restrictions as are provided by law and are necessary for the respect of the rights or reputation of others and for the protection of, inter alia, public morals. The International Covenant on Economic, Social and Cultural Rights (ibid.), when providing for the right of everyone to education, emphasizes that such education should be directed to the full development of the human personality and the sense of its dignity and towards strengthening the respect for human rights and fundamental freedoms.

52. A dilemma already mentioned is the protection of the right to privacy of child sex offenders, which has been widely debated in some countries, where civil liberties defenders are at odds with those who argue that such rights may be limited or restricted if necessary for the protection of public morals.

53. Another issue posing legal challenges for protecting the rights of the child is the definition of child pornography. The Special Rapporteur has already addressed this issue (see E/CN.4/1997/95/Add.2), arguing that the Internet renders the traditional legal definition of child pornography, namely the visual depiction or use of a child for pornographic purposes, outdated. The Special Rapporteur, therefore, encourages the Committee on the Rights of the Child to reaffirm that the scope of article 34 of the Convention on the Rights of the Child should be interpreted to include an absolute prohibition on "pseudo-child pornography", including the "morphing" of child and adult bodies to create virtual child pornographic images.

B. Facets of the media

54. The media are powerful tools of mass communication nationally and internationally, and their potential to protect children from sexual abuse and exploitation should be explored thoroughly. Media have many facets, and can reach a wide and varied audience. If the dangers of child sexual abuse are publicized, all sectors of society are encouraged to discuss the issue and, most importantly, acknowledge that the phenomenon exists, with a view to taking preventative measures to protect children.

55. This section considers ways in which the media affect the lives of those confronted with the problem of child sexual abuse: the children, their parents, the abusers and the general public. It also highlights both the positive and negative aspects of presenting this question in the glare of world publicity.

1. The role of the press in the reporting of sexual offences

56. It must be acknowledged that the manner in which sexual offences are reported can have a devastating impact upon the lives of those involved. At the same time, journalists who act with sensitivity and concern for the victims on whom they report can do much to further the healing process when the pain and anguish suffered is publicly acknowledged and efforts are made to restore the dignity of the victims. However, even the most well-meaning of reporters can unwittingly compound existing problems of sexual exploitation and further a victim's distress by the insensitivity of their actions.

57. Journalists often have access to information which others ordinarily find very difficult to obtain. They often work together with non-governmental organizations and the police to locate and uncover exploiters and places of exploitation. The reporting of arrests and convictions can, therefore, be a strong deterrent factor. Unfortunately, reporters investigating commercial sexual exploitation of children have sometimes provided information which has helped exploiters, for example, by showing street names, the location of villages or easily identifiable locations. As mentioned in an earlier report (E/CN.4/1995/95/Add.1), the Special Rapporteur regretted that two documentary films she had been shown during her visit to the Czech Republic, on the problem of boy prostitution and boy pornography, had resulted in an increased demand for the services of the boys featured, whose identities and locations had not been disguised.

58. The potential of the press to affect public perceptions of crimes involving sexual abuse is not limited to the subject matter involved, but extends to the manner in which it is reported. Many reporters appear to place the blame upon women and girls when sexually degrading events or crimes occur. Reports of violent rapes lose their ability to arouse emotions of outrage and sympathy for the victims when set alongside photographs of the victim which could be interpreted as sexually provocative, or even set in the same newspaper as pictures of topless women. The media in some countries often appear to confuse victims with perpetrators by publishing pictures of children who have been sexually exploited and blanking out the faces of offenders.

59. Even before criminal proceedings have been initiated, the way in which the press reports the events can affect the outcome of the trial. There have been many instances of so-called "trial by media" where criminal proceedings have had to be abandoned as the guarantee of a fair trial could not be ensured owing to the prejudgemental nature of the press reports. This not only denies the victim the satisfaction of a public acknowledgment of his or her suffering coupled with the opportunity to see the abuser sentenced, but also denies the accused the opportunity to defend himself against the allegations made, in a properly constituted legal setting. Similarly there have been cases where journalists

have unwittingly corrupted evidence by paying for stories, enabling criminals to escape conviction on a technicality.

60. The right of the press to report details of crimes and the right of the public to be informed do not justify the obvious sensationalism which many reporters seek to create. An example of this was seen during the trial, in the United Kingdom in 1996 of Rosemary West, who with her late husband was accused of committing sexually motivated murders of several young women and girls. Following an increasingly grisly series of newspaper reports regarding the activities of the accused couple, one newspaper challenged its readers by asking:

> "How much do you want to know about what Rosemary and Fred West are accused of doing to young girls? Do you want every detail, exactly what was done with a vibrator or roll of adhesive tape, how many lashes, exactly where on the genitals, and how much force it takes to sever a head? Or will 'severe sexual abuse' do?"[1]

61. Although the interests of justice may require the publication of particularly unpleasant abuses, the victims may suffer further trauma, having testified in court, from reading unnecessarily extensive details of their testimony in the newspapers. Occasionally the temptation to broadcast or print sensational pictures has itself verged on pornography and thus on exploitation. It should be remembered that daily newspapers do not carry any adult guidance rating, and are a normal part of most families' daily life, available to be read by children of all ages.

2. Visual

62. The reality of child sexual abuse was brought to television screens in the United Kingdom earlier this year, with the screening of a drama documentary entitled No Child of Mine. It told the allegedly true story of a young girl who was sold for sex by her father at the age of 10, sexually abused by her mother, raped by her stepfather and a social worker, and forced to play sexual games with her parents' friends.

63. The documentary was commended for bringing the subject into the public arena, but concerns were expressed for the psychological well-being of the 13-year-old actress who portrayed the victim, as she had to act out graphic scenes of rape.

64. Also in the United Kingdom suggestions were made that a popular television series entitled Band of Gold, about the lives of a group of teenage prostitutes, influenced a young teenaged viewer to become a prostitute. Although she still lived at home, attended school and had no apparent need to earn money, she became attracted to what she perceived to be a glamorous lifestyle, but within six months she had been murdered by two male clients.

65. In the United States of America, a controversial film entitled Kids was banned from general release last year. It graphically depicted under-age sex and drug taking and was branded as "kiddie porn" by many critics. Any medium

which highlights in a sensitive way the damage that can be caused by promiscuous under-age sexual activity would be welcomed, but that film was criticized as having little purpose or justification, merely portraying a group of unsupervised teenagers leading a destructive lifestyle, in a way that would merely desensitize the audience to the serious nature of paedophilia and child sex. Fears were also expressed that the film would be enjoyed by many paedophiles, who would be led to feel that their desires and behaviour were normal and acceptable.

3. Audio

66. The popularity of the radio as a primary method by which information is received cannot be overestimated. This is especially true in developing countries where access to television is limited and the level of illiteracy is high.

67. Mozambique is one of 10 countries in eastern and southern Africa in which a UNICEF-assisted Adolescent Girl Communication Initiative has been developed. In Mozambique a major part of this initiative has involved a radio drama series in which Mozambican actors act out a lively series of plots conveying messages such as the importance of staying in school, how to deal with sexual harassment, AIDS-awareness, and covering delicate issues such as female genital mutilation, early marriages, and the domestic workload of girls. In addition to the radio series, the Initiative has developed animated films, comic books, story books, audio cassettes and posters resulting from months of collaboration among hundreds of writers and artists working with input from thousands of ordinary people who have experienced difficulties such as those which form the subject matter.

68. The value of the telephone as a medium for instant two-way communication affording the users a degree of anonymity has been capitalized upon, both positively and negatively. Positively, helplines and hotlines allow victims to talk about their abuse, or reluctant witnesses to report what they have seen without the emotional strain of a face-to-face meeting. Sometimes famous television personalities have initiated or have been used to publicize these special lines. Negatively, however, the same telephone service can also be used for the sexual exploitation of children, an example being the so-called dial-a-porn or phone sex services. These services can often be accessed by children without the knowledge of their parents. Protecting children from these services has become a great concern in many parts of the world: in the United States, the Congress has passed a bill to that end, while in Japan a similar problem has been solved effectively by voluntary self-control in the private sector.

69. In the United Kingdom, a well-known television presenter launched Childline through her programme That's Life, reaching a huge ready-made audience. The programme had previously appealed to viewers for their help in conducting a survey on child abuse, and the BBC ran a telephone helpline for 24 hours after the programme for adults and children who wished to call.

70. The number of children who called, wanting to confide details of cruelty and sexual abuse while remaining anonymous, was such that the lines were jammed throughout the 24 hours. A special permanent free telephone helpline was then established, which now, more than 10 years later, provides counselling for an estimated 90,000 children and young people every year. It offers children a free and confidential opportunity to speak about their problems. They can remain anonymous if they choose, and are not asked to name their abusers. The counsellors do not make referrals against a child's wishes unless the child's life is in danger, though they will refer the case to the social services or the police if the child so wishes. Approximately 20 per cent of the callers are counselled about sexual or physical abuse. The special Childline number is now widely publicized through various means; most recently the number has been printed on the back of bus and cinema tickets.

4. Print

71. Photographs of children in their underwear for mail-order catalogues are an easily accessible source of material for paedophiles, and are commonly used, as has been revealed by the discoveries of extensive paedophilia collections during police raids on the homes of suspects.

72. Calvin Klein recently yielded to pressure and removed its advertising campaign showing teenagers in "suggestive" poses. The advertisements showed no nudity, and the models were sitting or standing by themselves, in passive poses, but opponents described them as "kiddy porn".

73. Even in the case of adult fashions, young teenage girls are increasingly being used to model clothes, creating the perception that thin pre-pubescent body images are the most desirable. This has not only had the effect of increasing the demand for child prostitutes, but has also led to an increase in eating disorders among older girls and women whose fully developed bodies are larger than what is promoted as "normal". Similarly, it is appropriate at this point to reiterate earlier concerns of the Special Rapporteur (see E/CN.4/1997/95) that the extensive advertising of fashionable goods in newly emerging markets such as those in Eastern Europe has led to an increase in cases of children and young people prostituting themselves in order to raise money to buy such goods.

74. In Belgium, an extensive programme using posters, known as "Article 34", has been running since 1994. Posters are used to encourage child victims of sexual exploitation to tell someone of their abuse, and not to remain silent. The posters give the telephone numbers of Ecoute Enfants, a telephone service which covers the area of the French-speaking community and is staffed by professional counsellors. The approach differs depending on whether the target audience is under or over the age of 12.

75. Posters and leaflets are just two of the many methods being employed by the increasing numbers of campaigns aiming to raise awareness of the problem of child sex tourism - the travel of paedophiles to foreign countries for the purpose of finding and abusing child prostitutes. Among the more prominent campaigns is that of ECPAT, which has targeted airports and travel agents

distributing child sex tourism law brochures to make tourists aware of the law relating to such crimes. Similar initiatives have included videos, car stickers and luggage labels.

76. In Belgium, the Flemish community has set up a sensitization campaign on sex tourism and child prostitution through the organization Kind en Gezin (Child and Family). Brochures and leaflets are distributed through travel agencies and the offices of airline companies, warning people who travel to high-risk destinations of the problems of paedophilia and sex tourism. The objective of the campaign is to denounce existing networks of child prostitution and expose the practices which exist.

77. A Children's Society campaign leaflet which highlighted the fact of child prostitution in the United Kingdom was condemned as being "irresponsible" by the social services there, as it was felt that it would encourage child prostitution rather than condemn it. The leaflet read: "Why travel six thousand miles to have sex with children when you can do it ...?" and named Bournemouth, Birmingham, Manchester or Leeds. However, the charity said that it was necessary to use shock tactics as child prostitution was "an uncomfortable subject that does create reaction".

5. New media: the role of new technologies in the commercial sexual exploitation of children

78. "First, the nature of technology: it is a great blessing, and what do we know about blessings? That every blessing has its curse. The greater the blessing, the nastier the curse. Technology has the tendency to separate people from the consequences of their worst behavior."[2]

79. The Internet is a giant network of networks. It is virtually impossible to determine its size at any given moment, but it has grown massively since its origins as an experimental project linked to defence-related research in 1969. In 1981, fewer than 300 computers were linked to the Internet but, by 1996, it was estimated that 9.4 million host computers were linked, 60 per cent of them located in the United States. Reasonable estimates suggest that as many as 40 million people around the world can and do access the enormously flexible communication medium. That figure is expected to grow to 200 million Internet users by the year 1999.[3]

80. The Internet is in a unique position to take advantage of new technology, as text, photographs, video and audio clips can be disseminated worldwide instantly. The most constructive ways in which it can be used to tackle the commercial sexual exploitation of children include using the new technology to further expand and develop methods of communication and education for the prevention of such exploitation. However, the virtually inexhaustible categories of information which the Internet can provide include innovative and simplified means of sexual exploitation.

81. The problem of accountability. The Internet is a decentralized, global medium of communications known as "cyberspace" that links people, institutions, corporations and Governments around the world, and the computer networks are

owned by governmental and public institutions, non-profit organizations and private corporations. No single entity, academic or governmental, corporate or non-profit, administers the Internet. There is no central point at which all the information is stored or from which it is disseminated, and it would not be technically feasible for any one entity to control all of the information conveyed on the Internet.

82. The risks to children on-line. While the Special Rapporteur recognizes and commends the educational value, especially for developing countries, of the wealth of information available on the Internet, there are many ways in which children may be exposed to danger on-line. The two main ways in which children may potentially be harmed by child pornography are by being exposed to pornography and by being filmed or photographed or made the subject themselves in some other way.

(a) The child as viewer

83. Children who are exposed to pornography are in danger of being desensitized and seduced into believing that pornographic activity is "normal" for children. It can provide a kind of modelling that may adversely affect children's behaviour and result in learning experiences which connect sex to exploitation, force or violence.

84. There have been some highly publicized cases of abuse involving computers but reported cases are relatively infrequent. Like most crimes against children, many cases go unreported, especially if the child is engaged in an activity that he or she does not want to discuss with a parent. Teenagers are particularly at risk because they often use the computer unsupervised and because they are more likely than younger children to participate in on-line discussions regarding companionship, relationships or sexual activity. These risks include exposure to inappropriate material of a sexual or violent nature, or encountering e-mail or bulletin board messages that are harassing, demeaning or belligerent. Another risk is the possibility that, while on-line, the child may provide information or arrange an encounter that could risk his or her safety or the safety of other family members. In a few cases, paedophiles have used on-line services and bulletin boards to gain a child's confidence and then arrange a face-to-face meeting.

Restricting access to unwanted on-line material

85. Various manufacturers have begun to build systems and have marketed software intended to enable parents to control the material which comes into their homes and may be accessed by their children, allowing them to enjoy the educational benefits of the Internet while shielding them from material that is objectionable according to the parents' own particular standards.

86. Some software manufacturers have started to employ people to search the Internet for sites containing potentially offensive material, which they then add to a list every week. For those users who have the relevant software installed, the updated elements are automatically added to the list of previously blocked sites.

87. Other types of programs allow a parent to monitor everything passing through their computer. Parents can enter such phrases as "What's your name?" and "What's your phone number?" in a phrase book. When the software detects one of the targeted phrases printing across the terminal, for example in a chat room of a commercial on-line service, it immediately logs off the service.

Content on the Internet

88. The types of content on the Internet defy easy classification, and can be as diverse as human thought. Such diversity is possible because the Internet provides an easy and inexpensive way for a speaker to reach a large audience, potentially of millions. Any Internet user can communicate by posting a message to one of the thousands of news groups and bulletin boards or by engaging in an on-line "chat", and thereby reach an audience worldwide that shares an interest in a particular topic.

89. Because of the different forms of Internet communication, a user of the Internet may speak or listen interchangeably, blurring the distinction between "speakers" and "listeners" on the Internet. Unlike traditional media, the barriers to entry as a speaker on the Internet do not differ significantly from the barriers to entry as a listener. Once one has entered cyberspace, one may engage in any dialogue that occurs there.

Sexually explicit material on the Internet

90. Sexually explicit material includes text, pictures and chat between users. It includes bulletin boards, news groups, and the other forms of Internet communication, and extends from mildly titillating to hard-core pornography. Although surveys done by on-line administrators suggest that pornographic sites are among the most often used on the Internet, the percentage of such sites is not certain. Once a provider posts material on the Internet, it is available to all other Internet users worldwide, and the provider cannot prevent that content from entering any community. The Internet technology gives a speaker a potential worldwide audience, although almost all sexually explicit images are preceded by warnings as to the content.

Identity of Internet users

91. It is impossible to determine conclusively the identity or age of a user accessing material through the Internet. An e-mail address may comprise an alias or use an anonymous re-mailer. There is also no universal listing of e-mail addresses with corresponding identities, and any such listing would rapidly become incomplete. A sender therefore has no way of knowing whether an e-mail recipient is an adult or a minor. Similarly, even individuals engaging in chat room discussions cannot ensure that all readers are adults.

92. Even if it were possible with the available technology to block access for children to certain news groups or chat rooms, there is no method by which the creators of news groups that involve discussions of normally acceptable subjects such as art or politics, but could potentially elicit indecent contributions, could limit the blocking of access by minors to the indecent element only, while still allowing them access to the remaining content. Even security systems such

as credit card verification or adult password verification are unlikely to develop the capacity to ascertain that the user of the password or credit card is over 18.

93. Therefore, all speech on any topic that is available to adults will also be available to children using the Internet, unless it is blocked by screening software running on the computer the child is using. It is not possible for a speaker using current technology to know if a listener is using screening software.

94. The attempts to regulate children's access to pornography by the development of software programs, although very welcome, cannot achieve more than a very limited success, as these programs can be bypassed by users with a good knowledge of the Internet and some technical sophistication. Even if better technical solutions become available, this approach is inadequate because children can increasingly find access to another computer, and their technical expertise is often far superior to that of their parents.

Anonymity

95. Anonymity is important to Internet users who seek to access sensitive information. A user can invent virtually any identity and route a message through different countries so that when it reaches its destination it will be impossible to determine its origin. It is also possible to re-route e-mail and images through what are referred to as "anonymous re-mailers". These take incoming messages and remove the source address, assign an anonymous identification code number with the re-mailer's address, and forward it to the final destination. Responses to the anonymous messages are then similarly encoded and the responder also remains anonymous. In Finland, one such re-mailer service used to be operated by Johan Helsingus, who, however, closed down the service after being accused of paedophilia, which he strongly denied. An adverse repercussion of the close-down was suffered by the British organization The Samaritans, which counsels people contemplating suicide and has increasing numbers of computer contacts, many of whom use the "re-mailer" service to remain anonymous.

(b) The child as material

96. The advances in computer technology, including the use of camcorders, VCRs, home-editing desks, computer-generated graphics and editing, have made the creation and distribution of child pornography easier, cheaper and more difficult to detect. It has developed into a multi-million-dollar industry which can be run from within the exploiter's home.

97. Every photograph or videotape of child pornography is evidence of that child's abuse. The distribution of that depiction repeats the victimization over and over again, long after the original material was created. A case in point is the death by suicide of a 12-year-old boy in Upper Austria, who killed himself after discovering, in addition to the trauma of being sexually abused by an older man, that photographs of those abusive acts had been posted on the Internet.[4]

98. Images can be altered by computer. It is not difficult to add to an image or delete parts of it, thereby creating pseudo-photographs. A child's face can be superimposed on an adult's body, and adult features such as breasts and genitals can be minimized so as to make the images look like children. The distribution of the altered image is still considered to exploit the child whose face is shown. It is also possible to insert digital images of a person into a video in which he or she has not appeared. Life-like child pornography is now being created without using any real children at all.

99. There are an increasing number of cases of child pornography being reported which do not involve visual images. An unusual legal situation arose following the arrest of 19-year-old Joseph Pecchiarich in Mississauga, Canada, in 1993. He became the first person in Canada to be convicted of distributing child pornography via computer, but he had never photographed or filmed actual children. He wrote and posted on the Internet several stories which depicted himself having sex with several female children, who were always portrayed as willing partners. He was arrested for distributing child pornography, which under Canadian law is defined not only as materials involving real children, but that which depicts children involved in sex, or advocates sex with a child under the age of 18. He was charged under section 163.1, which was debated in parliament as bill C-128, and became law on 1 August 1993, amending the Canadian Criminal Code. One of the ideas behind the law is that the harm caused by child pornography extends beyond the direct abuse of children in its production and that such material has great potential to promote child sexual abuse whether the child portrayed is a real person or not.

100. The Internet can be used by paedophiles to contact each other and they can set up bulletin boards to exchange information relating to their sexual interest in children, or have running conversations in the form of chat rooms on such subjects.

101. For those who would seek to access images of child pornography through the Internet, a basic search using the most obvious keywords such as "child pornography" will normally direct the user towards sites campaigning against the Internet being used as a medium for the distribution of such material, or news items relating to the arrests of those suspected of being involved. Many non-governmental and private organizations and individuals are starting to voice their fears for the future of the information superhighway, and much research is being carried out to consider the best ways to tackle the problem.

102. Unfortunately, even the extensive and ever-increasing collection of well-meaning initiatives, studies and surveys into the nature of the problem and possible ways to approach a solution have not escaped allegations of abuse. An example of this is the controversy surrounding the "cyberporn" study of Marty Rimm of Carnegie Mellon University. The ethics of the study, entitled "Marketing pornography on the information superhighway", which purported to analyse the amount and nature of pornographic materials being posted on the Internet, have been called into question, as the study involved looking for pornography, downloading it, and studying how it had been classified. Criticisms of the way the research was carried out included accusations of invasion of privacy, deception, placing human subjects at risk, and possible

fraudulent data gathering. It was also alleged that the study was a deliberate search for child and teen pornography.

C. National and international initiatives

103. Two possible means to prevent child pornography from being posted on the Internet are the legal system and self-regulating initiatives. As the development of the Internet is still in its infancy, Governments that have attempted to regulate its use have often not fully understood either the technology or the implications of their actions to control it. Self-regulating initiatives, which give the users of the Internet some responsibility over what should be removed, have made some progress towards removing the conflict between regulation and freedom of expression.

104. In the Netherlands, the Hotline for Child Pornography on the Internet was created by the Foundation for Internet Providers, Internet users, the National Criminal Intelligence Service, the National Bureau against Racial Discrimination and a psychologist. Like other national hotlines that are starting to be set up, it operates by asking Internet users to report any child pornography that they find. The Netherlands Hotline tries to have a preventative attitude towards the problem, in that once a site is reported, the Web Site provider will ask the issuer of the material, if he can be traced, to remove it from the Internet, and will report that person to the police if he or she fails to do so.

105. The hotline has also tried to raise awareness of the risks of spreading child pornography, including the fact that the penalty in the Netherlands is four years' imprisonment. Much attention has been given to the hotline by the media, thus further stimulating the process of awareness and prevention. Instead of being censors, such hotlines are intended to be regarded as initiatives against censorship, by indirectly targeting the poster of illegal child pornography instead of whole areas of information and communication.

106. In India, the Government has attempted to prevent misuse of the Internet by limiting access to the service to the academic world. As a result, the Internet remains inaccessible to the individual or commercial user. Similarly, the entry of foreign print and electronic media into the country has provoked a controversy, with the Government still undecided about its stand.[5]

107. Singapore has attempted to regulate the content of the Internet as far as possible, through a Class Licence Scheme, where Internet service providers and Internet content providers are required to block out objectionable sites as directed by the Singapore Broadcasting Authority. Schools, libraries and other providers of Internet access to children are required to institute a tighter level of control, although options as to how this could be implemented have not yet been identified. The Special Rapporteur has learned that concerns have been expressed as to the scope and vagueness of the Internet content guidelines and the effect that they might have on the Singaporean right to freedom of expression.

108. In China, Internet users must register with the police, and it is reported that a company in Massachusetts, United States, is investing in technology designed to allow the Government of China to censor the Internet.

109. The Internet Society of New Zealand and the Internal Affairs Department set up a joint working group to tackle pornography on the Internet in December 1996. This followed several high-profile raids and monitoring exercises by the authorities. The Society is also developing a code of practice for Internet service providers.

110. In connection with the first World Congress against Commercial Sexual Exploitation of Children held at Stockholm in August 1996, the Norwegian Ombudsman for Children and Save the Children Norway initiated a project with the aim of identifying paedophile networks: systems, methods, codes and ways of communication used by criminals involved in the sexual exploitation of children. Extensive investigations undertaken by professional computer hackers revealed organized trading in child pornography on the Internet, and special sites containing information on sex tours and meetings. In one chat group hard-core amateur child pornography was found, showing girls and boys between the ages of 8 and 12 being raped repeatedly by adults of both sexes.

111. An international conferences on combating pornography and violence on the Internet - a European approach, was held on 13 and 14 February 1997 in London, organized by the Association of London Government. Topics discussed included the possibilities of technically and legally controlling the Internet, cooperation from the police, and national and international policy for the future.

112. In the United States of America, the Supreme Court recently ruled that a federal law which sought to curb indecency on the Internet was unconstitutional. The plaintiffs, who included various organizations and individuals associated with the computer and communications industries, and those who publish or post materials on the Internet, challenged on constitutional grounds provisions of the Communications Decency Act of 1996. They contended that two provisions of the Act directed to communications over the Internet which might be deemed "indecent" or "patently offensive" for minors, defined as persons under the age of 18, infringed upon rights protected by the First Amendment and the due process clause of the Fifth Amendment, in that adults would be denied access to materials which they had the right to see.

113. Since the Internet crosses state and national boundaries, Internet users must be careful that they avoid violating not only the federal laws and their own state laws, but those of any other State which might become involved. In one famous case, Operation Longarm, United States authorities, with the cooperation of the Government of Denmark, tracked down the identity of callers from the United States who downloaded child pornography from a Danish bulletin boards (see E/CN.4/1997/95/Add.2). The United States Customs services then raided the homes of the suspected callers and confiscated their computers, floppy disks and other materials. Several people were prosecuted as a result.

114. The United Kingdom police were involved in Operation Starbust, an international investigation of a paedophile ring thought to be using the Internet to distribute graphic pictures of child pornography, and the biggest operation so far carried out in the United Kingdom. Nine British men were arrested as a result of the operation, which involved other arrests in Europe, America, South Africa and the Far East. The operation identified 37 men worldwide.

115. Also exposed during Operation Starbust was Father Adrian Mcleish, 45, a Roman Catholic priest in Durham who held the largest known collection of illicit matter yet gathered electronically. He had amassed a vast store of obscene pictures and drawings in his presbytery and exchanged thousands of explicit e-mail messages with other paedophiles. He was sentenced to six years' imprisonment in November 1996. He admitted 12 specimen charges of indecent assaults against two boys of 10, one aged 12 and another aged 18. He also admitted distributing indecent photographs, possessing them with intent to distribute them and being involved in the importation of pornographic videos of children. There was evidence that he had sent pictures of at least one of the boys he had abused and talked on the Internet of "grooming" the boy for use in later life. He had also enhanced some pictures to make them more sexually explicit.

D. Education

116. The Special Rapporteur regrets the lack of information relating to the role of education in the context of her report. It is hoped that more information will be received prior to the compilation of her next report to the Commission on Human Rights.

117. The increased awareness of the need for AIDS education in schools has had the welcome effect of bringing the subject of early sexual behaviour and child sexual abuse into the arena of the school curriculum in many countries which had previously been reluctant to introduce sex education, owing to a misplaced fear that such education could encourage sexual activity among children.

118. In Argentina, there is strong opposition from the representatives of the Catholic Church to the implementation of sex education programmes in schools. To date, such programmes have not been implemented. However, educational and training programmes targeted at professionals working in strategic areas, including immigration personnel and law enforcement officials, cover issues of child sexual abuse and exploitation.

119. UNAIDS recently commissioned an update of an earlier World Health Organization review of studies, carried out mainly in the United States and Europe, on the effect of sexual health education in schools. That review indicated that education on sexuality or HIV does not encourage increased sexual activity and that quality programmes actually helped to delay first intercourse.

120. There is no universal consensus as to the age at which a child should begin to receive sexual health education, but the increasing evidence of sexual abuse in particular has persuaded some teachers and AIDS workers that some form of education at primary school is necessary.

121. In Zimbabwe, such education is started in school for children aged 8 or 9, as the problem of child sex abuse and rape is such that it is considered vital to introduce the subject at that young age. Similarly, it is important that parents are educated as to the need for their children to be taught about these dangers, and for such education to be targeted towards those children who do not attend school.

122. In northern Thailand, for example, the Daughters of Education project provides funding for girls who might otherwise be sold into the sex trade, enabling them to remain in school and develop better prospects. Also in Thailand, a Children's Forum has been created in parliament, securing the involvement of children in decisions relating to themselves. A "media page" in newspapers and magazines channels children's experiences to the adult world.

V. RECOMMENDATIONS

A. Media and education

1. Prevention and advocacy

123. As discussed above, education and the media as catalysts in the prevention and elimination of commercial sexual exploitation of children are considered together since the Special Rapporteur believes that a combination of the most positive elements of each catalyst would create a strong forum for awareness-raising, with the goal of preventing abuses against children, sexual or otherwise, through informed advocacy. Listed below are some strategies which the Special Rapporteur urges Governments, in cooperation with civil society and non-governmental organizations, to adopt in their efforts to prevent commercial sexual exploitation of children.

(a) Publicize and popularize laws for the protection of children against commercial sexual exploitation;

(b) Give prominent visibility to convictions of child sex offenders under those laws, to serve as a deterrent to potential perpetrators;

(c) Promote a culture of rights and positive moral values for society, especially addressing parents, children and members of their families, which may include the following elements:

(i) Respect for all human rights, fostering principles of tolerance and non-discrimination, especially in promoting equal treatment for boys and girls (for example, in access to education);

(ii) Principles of good parenthood, focusing on the evil effects on children of violence and sexual abuse, including incest;

(iii) Elimination of practices founded on culture and tradition which might be inimical to children;

(d) Sensitize and educate children to consciously detect and identify aberrant behaviour and risk factors or situations making them vulnerable to commercial sexual exploitation;

(e) Educate the public on the pernicious and long-lasting consequences of any form of sexual abuse and exploitation of children;

(f) Raise awareness among leaders of mass communications and entertainment industries with a view to sensitizing programmes and services to the needs of children and the protection of their rights;

(g) Conduct public information campaigns to encourage children victims or potential victims of sexual abuse to seek help and assistance and publicize offices and agencies extending such assistance;

(h) Sensitize policy makers, legislators, civic and professional groups and religious leaders and communities to not only the desirability but the absolute necessity of including sex education in school curricula; sex education, including HIV/AIDS awareness raising, is necessary at an early age so that children fully comprehend their responsibilities and the consequences of their sexual behaviour, for their health and their future;

(i) Provide free compulsory primary and secondary education for children;

(j) Mobilize the business sector to fund children's education, inter alia, through grants or scholarships;

(k) Establish a monitoring body, composed of, inter alia, child psychologists and social welfare officers, to approve programmes and initiatives intended to protect and assist children victims of sexual abuse and exploitation so as to ascertain that such programmes do not carry any unintended or unforeseen negative repercussions on children;

(l) Consult with manufacturers of computer hardware and software products, Internet service providers, legislators, parents and children themselves to develop strategies for minimizing the dangers of the Internet's being used for purposes of commercial sexual exploitation of children.

2. Response and intervention

124. Children who have fallen victim to any kind of abuse and exploitation are in desperate need of timely assistance. However, not all assistance may be to the benefit of the child. Entry points for revictimization abound throughout the response mechanisms so that if care is not duly exercised it may very well happen that no response is the better option. The key should be the best interests of the child. The conviction of the offender may never fully compensate for the greater trauma suffered by the child caused by insensitive handling in the hands of the very people offering assistance. It will be

recalled that earlier reports of the Special Rapporteur to the General Assembly (A/51/456) and the Commission on Human Rights (E/CN.4/1997/95) included a special focus on the justice system, with recommendations on how to avoid revictimization of children in the hands of law enforcement officials.

125. Media and education do not only play crucial roles in preventing commercial sexual exploitation of children but also have a tremendous capacity and a certain responsibility to provide response mechanisms to children victims, as well as to intervene, in an informed manner, in cases of sexual abuse of children that come to their attention. The following recommendations are, therefore, addressed to all persons involved in the media and education sectors, in responding to a child's cry for help:

(a) Widely publicize mechanisms for reporting crimes against children;

(b) Widely publicize existing response mechanisms, organizations and agencies providing assistance to children victims, such as telephone hotlines, focal points in relevant government departments and in educational institutions, and local communities;

(c) Sensitize media and educational personnel to the dangers of revictimization of children victims and provide safeguards for avoiding such dangers;

(d) Design and implement training programmes for all sectors of society involved with children, such as teachers, parents, social workers, law enforcement officers and other carers for children, with a view to:

(i) Early detection of signs of physical or sexual abuse;

(ii) Interviewing and confidence-building techniques in dealing with children victims of abuse;

(iii) Sensitization to avoid revictimization;

(e) Ensure informed and sensitive reporting of cases of child sex abuse, in particular protecting the identity, dignity and integrity of the victim;

(f) Sensitize the public to the needs of a child victim of sexual abuse and exploitation so as to avoid ostracism, further revictimization or unfair punishment;

(g) "Break the silence" by encouraging the public to inform relevant authorities of any suspicious activities potentially endangering children, thereby extending valuable assistance in detecting and apprehending child sex abusers;

(h) Reinforce and foster concepts of community responsibility and accountability in protecting and assisting children and their families;

(i) Mobilize the private sector, including computer industries, in the fight against the commercial sexual exploitation of children through,

inter alia, making available hotlines to enable users to report potentially harmful materials on the Internet in an effort to promote self-regulatory controls.

3. Recovery and reintegration

126. Under article 39 of the Convention on the Rights of the Child, a child victim of any form of exploitation or abuse shall receive all appropriate treatment and care to promote his or her physical and psychological recovery and social reintegration, in an environment which fosters the health, self-respect and dignity of the child. It is thus clear that assistance to a child victim does not end with a response to the cry for help by removing the child from an abusive situation or by eliminating the cause of abuse. Such important intervention, some strategies for which are outlined above, must be followed by serious efforts to establish a healing process to redress damage already done. Some recommendations intended to further the recovery and the reintegration into society of child victims are outlined below:

(a) Ensure that all rehabilitation and reintegration programmes and initiatives are professionally evaluated by child psychologists, child psychiatrists or other qualified persons or organizations, with a view to maximizing the benefits for children victims and eliminating any potential harmful effects; monitor periodically the implementation of such programmes and initiatives to ensure that children receive appropriate and informed assistance and care;

(b) Mobilize and involve the business sector in focusing on the plight of economically disadvantaged children with a view to taking proactive initiatives, such as providing children victims of sexual exploitation, prostitution and pornography with alternative income-generating activities, apprenticeships or livelihood training possibilities;

(c) Provide free counselling services for child victims and their families to ensure reintegration of the children within their families and their communities;

(d) Enlist the cooperation of teachers and other children victims to facilitate the return of child victims to school, bearing in mind the right to privacy and integrity of the child.

B. Networking

127. Active and effective cooperation not only between Governments and non-governmental organizations but also between non-governmental organizations themselves is imperative in the fight against sexual abuse and exploitation of children. The Special Rapporteur appreciates the fact that in many countries increased cooperative efforts are already being extended in the promotion and protection of the rights of children by both Governments and non-governmental organizations. The Special Rapporteur, however, cannot but fail to note that the effective identification and allocation of areas of responsibility and

accountability, without competition and at the national level, are yet to be put into place. Most initiatives and programmes which the Special Rapporteur has been able to observe function on an ad hoc basis, without any coordination relating to networking or tapping of sources of funding. The Special Rapporteur strongly believes that close cooperation and openness in sharing information and experiences in protecting the rights of children would mutually strengthen the capacities and successes of each organization, both governmental and non-governmental.

128. Some obstacles to effective networking have been observed, as follows:

(a) Organizations, both governmental and non-governmental, frequently embark on projects which are too far-reaching or all-encompassing to be effective;

(b) A lack of coordination, often already at the fund-seeking stage, leads to duplication and overlap of activities in one sector, thereby neglecting other important areas for providing support to children;

(c) Competition for funding sources often leads to competition and secrecy among organizations;

(d) There exists no accountability for non-implementation.

129. While the Special Rapporteur recognizes that full networking is not feasible in all circumstances, she firmly believes that such active and effective cooperation would not only ensure that comprehensive support is provided to children in all areas, from prevention to reintegration, but would also considerably strengthen the individual organizations working towards this common objective. Some recommendations to this end are put forward below:

(a) Funding agencies and donors should ensure a willingness to fund projects and initiatives in all areas of protecting and promoting the rights of the child in order to maximize support to children;

(b) Funding agencies and donors should carefully evaluate the proposed programmes against the national context and also in the framework of activities already undertaken in related areas;

(c) Consultative meetings between Governments, funding agencies and non-governmental organizations should be held to devise a strategy for effective networking, including the development of a directory of organizations working in the area of children, with descriptions of their specific areas of activities and responsibilities;

(d) Within the United Nations system, such cooperation and coordination to ensure maximization of resources for the benefit of children is also called for.

Notes

[1] "How low should we go? Where to draw the line at revealing the grisly minutiae of the West trial", The Independent, February 1996.

[2] Russell Baker, "Kindly stuff your superhighway", The New York Times.

[3] Statistics taken from the case of American Civil Liberties Union v. Janet Reno, Attorney General of the United States, 1996.

[4] "Drama um 12 jähriges Sexopfer: Bub schoss sich ins Herz", Der Kurier, 6 July 1997.

[5] "State of isolation", The Guardian, 13 April 1995.

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2. Electrifying Speech: New Communications Technologies and Traditional Civil Liberties, Human Rights Watch, New York, 1992.

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4. Violence on the Screen and the Rights of the Child, Svenska Unescoradets skriftserie nr 2, Sweden, 1996.

5. American Civil Liberties Union v. Janet Reno, Attorney General of the United States, No. 96-963, District Court of Pennsylvania, 1996.

6. Child Exploitation & the Media Forum, ACHE and Presswise, United Kingdom, 1997.

7. Amnesty International Report, 1997.

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9. Country Reports on Human Rights Practices for 1996, Department of State, United States of America, 1997.

10. "Dutroux inquiry unravels fatal cover-up", The European, 1 March 1997.

11. "Thousands of sex offenders at large", The Guardian, 19 June 1997.

12. National Legislation on and International Trafficking in Child Pornography, Center on Speech, Equality and Harm, University of Minnesota Law School, United States of America, 1996.